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DEC 07 2009

IN THE CLAIMS

Please cancel claims 71, 74, 76, 89, and 97-100 without prejudice and amend claims 1, 19, 21 and 77-85 as indicated in the following list of pending claims:

## PENDING CLAIMS

1. (Currently Amended) A tissue biopsy removing device for accessing and collecting a tissue specimen from a target site within a patient, comprising:
  - a. an elongated probe member which has a longitudinal axis, which has a proximal end configured to be secured to a drive, which has an inner lumen extending therein, which has a tissue penetrating distal tip and which has an aperture proximal to the tissue penetrating distal tip, said aperture being ~~which is~~ configured to receive tissue from the target site and ~~which has~~ being defined in part by a pair of opposed ~~at least one~~ longitudinally oriented tissue cutting ~~[[edge]]~~ edges; and
  - b. an elongated tissue cutting member which is disposed within the elongated probe member, which has ~~[[a]]~~ distal and proximal tubular ~~portion~~ portions, said distal portion having
    - i. a distal tip with an outer tissue cutting edge ~~which~~ that defines a tissue receiving opening, said distal tip being flared to ensure that the outer tissue cutting edge of the tissue cutting member engages the pair of tissue cutting edges of the elongated probe member, said outer tissue cutting edge lying within a surface that ~~which~~ is inclined at an angle of

less than 75° with respect to the longitudinal tissue cutting  
[[edge]] edges of the elongated probe member and [[has]]  
having leading and trailing portions.

ii. ~~which has~~ an inner lumen extending therein and in fluid  
communication with the tissue receiving opening, and

iii. ~~which has~~ a single longitudinally oriented slot in a wall of the  
distal tubular portion of the tissue cutting member that opens  
to the trailing portion of the tissue receiving opening in the  
distal tip, and

~~which has a~~ said proximal portion ~~that is~~ being configured to be  
operably connected to at least one drive unit to move the tissue  
cutting member to cut a tissue specimen from tissue extending into  
the tissue receiving aperture of the elongated probe member by at  
least one outer tissue cutting edge of the tissue cutting member.

2-6. (Cancelled)

7. (Previously Presented) The biopsy device of claim 1 wherein the inner  
lumen of the tissue cutting member is configured to access a vacuum source to  
transport a tissue specimen through the inner lumen thereof to a tissue collector in fluid  
communication with the inner lumen.

8. (Previously Presented) The biopsy device of claim 1, wherein the  
tissue cutting member is configured for oscillating movement about the longitudinal axis.

9. (Original) The biopsy device of claim 8, wherein the tissue cutting  
member is also configured for reciprocating longitudinal movement.

10. (Original) The biopsy device of claim 9, wherein the tissue cutting member is configured for reciprocating longitudinal movement of between about 0.01 inch and about 0.2 inch (0.25-5.1 mm).

11-14. (Cancelled)

15. (Previously Presented) The biopsy device of claim 1, wherein the tissue cutting member is configured for longitudinal movement along the longitudinal axis.

16.. (Previously Presented) The biopsy device of claim 15, wherein the tissue cutting member is also configured for oscillating movement.

17-18. (Cancelled)

19. (Currently Amended) The biopsy device of claim 1 wherein the tissue cutting edge of the tissue cutting member has a tissue cutting angle over a substantial part of the length of the edge of the tissue cutting member ~~with respect to the tissue cutting edge of the aperture of about 30° to less than 75°.~~

20. (Cancelled)

21. (Currently Amended) The biopsy device of claim 1 wherein the ~~opposed aperture of the probe member has a second~~ longitudinally oriented tissue cutting ~~[[edge]] edges are parallel to the first longitudinally oriented tissue cutting edge and a tissue cutting distal edge which extends between the first and second longitudinally oriented tissue cutting edge.~~

22-76. (Cancelled)

77. (Currently Amended) The ~~biopsy~~ tissue removing device of claim ~~[[71]]~~ 1 wherein the distal tubular portion of the tissue cutting member has at least a second opening in a wall thereof.

78. (Currently Amended) The ~~biopsy~~ tissue removing device of claim 77 wherein the second opening in the wall of the distal tubular portion is adjacent to the longitudinally oriented slot in the wall.

79. (Currently Amended) The ~~biopsy~~ tissue removing device of claim 77 wherein the second opening opens to the longitudinally oriented slot.

80. (Currently Amended) The ~~biopsy~~ tissue removing device of claim 77 wherein the distal tubular portion has a third opening in a wall thereof on a side of the distal tubular member opposite to the second opening.

81. (Currently Amended) The ~~biopsy~~ tissue removing device of claim 80 wherein the third opening in the wall of the distal tubular portion is adjacent to the longitudinally oriented slot in the wall.

82. (Currently Amended) The ~~biopsy~~ tissue removing device of claim 81 wherein the third opening opens to the longitudinally oriented slot.

83. (Currently Amended) The ~~biopsy~~ tissue removing device of claim [[71]] 1 wherein the distal tissue cutting tip has opposed tissue cutting edges edge portions that engage the opposed longitudinally oriented tissue cutting edges of the elongated probe member.

84. (Currently Amended) The ~~biopsy~~ tissue removing device of claim [[71]] 8 wherein the elongated tissue cutting member is configured for oscillating movement about the longitudinal axis and longitudinal ~~movements~~ movement within the elongated tubular member along the longitudinal axis.

85. (Currently Amended) An elongated tissue cutting member configured for slidable movement within an inner lumen of an outer tubular member of a tissue biopsy device, said outer tubular member having ~~which~~ has a tissue receiving aperture

in a wall ~~of the outer tubular member~~ thereof defined in part by a pair of opposed longitudinally oriented tissue cutting ~~[[edge]]~~ edges, the elongated tissue cutting member comprising:

an elongated shaft which has a longitudinal axis ~~is configured to be slidably disposed within an inner lumen of the outer tubular member~~, which has a flared distal tubular portion with a distal tip having a tissue receiving opening, an outer tissue cutting edge about the tissue receiving opening configured to engage the opposed longitudinally oriented tissue cutting ~~[[edge]]~~ edges of the outer tubular member at an angle less than 75° from the longitudinal axis and having leading and trailing portions, which has a longitudinally oriented, distally expanding slot in ~~a wall of the~~ flared distal tubular portion, the slot having ~~[[a]]~~ an enlarged distal end that opens to the tissue receiving opening in the distal tip at the trailing portion of the outer tissue cutting edge and which has a proximal portion that is configured to be connected to at least one drive unit to move the tissue cutting member to sever from supporting tissue a tissue specimen tissue extending into the tissue receiving aperture of the outer tubular member.

86. (Cancelled)

87. (Previously Presented) The elongated tissue cutting member of claim 85 wherein the elongated shaft has an inner lumen in fluid communication with the opening configured to receive severed tissue.

88-89. (Cancelled)

90. (Previously Presented) The elongated tissue cutting member of claim 85 wherein the distal tubular portion has at least a second opening in a wall thereof.

91. (Previously Presented) The elongated tissue cutting member of claim 90 wherein the second opening in the wall of the distal tubular portion is adjacent to the longitudinally oriented slot in the wall.

92. (Previously Presented) The elongated tissue cutting member of claim 91 wherein the second opening opens to the longitudinally oriented slot.

93. (Previously Presented) The elongated tissue cutting member of claim 90 wherein the distal tubular portion has a third opening in a wall thereof on a side of the distal tubular member opposite to the second opening.

94. (Previously Presented) The elongated tissue cutting member of claim 93 wherein the third opening in the wall of the distal tubular portion is adjacent to the longitudinally oriented slot in the wall.

95. (Previously Presented) The elongated tissue cutting member of claim 94 wherein the third opening opens to the longitudinally oriented slot.

96-100. (Cancelled)